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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/554,413

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EXAMINER

SIDDIQUEE, MUHAMMAD S

ART UNIT

PAPER NUMBER

4151

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/554,413	<b>Applicant(s)</b> GOETZ ET AL.	
	<b>Examiner</b> MUHAMMAD SIDDIQUEE	<b>Art Unit</b> 4151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 22-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 22-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/13/2006</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p) (5) because they do not include the following reference sign(s) mentioned in the description: reference numbers 6, 7, and 23 [Page 9, lines 5-10 & line 22]; reference numbers 8, 18, 19 and 20 [Page 10, lines 5-10]. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1, 22-26 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dipl-Ing FH (EP 0 774 736) in view of Sawai (EP 1 006 767 A2) and in further view of Klein (US 6,671,384).

Dipl-Ing FH discloses a tachograph housing (1) comprising a battery casing (29) (holder) arranged to be fixed on the housing by means of ultrasound welding. Dipl-Ing FH also remains silent about a recess and bearing surface. Dipl-Ing FH fails to disclose the details of fastening means. However, Sawai discloses a housing (1) for an electronic component comprising a battery holder (4) arranged to be fixed on the

housing by means of a battery accommodation portion (31) (battery receptacle) [paragraph 0021] and engagement nails (19) (fastening means), the fastening means arranged to be accessible exclusively from the interior of the housing, a battery holder mount portion (12) (recess) arranged to accommodate the battery holder, a bottom wall (10A) (bearing surface) arranged to bear at least partially on an outer side of a wall of the housing, surrounding the battery holder mount portion (12) (recess), and the fastening means is an engagement nail (19) [Fig. 1 & 2; paragraph 0015, 0017, 0018]. It would have been obvious to combine battery holder portion of Sawai in the housing of Dipl-Ing FH in order to have access the fastening means from inside for security. Sawai fails to describe in details about his engagement nail (19). However, Klein disclose a housing (1) with a holder (14) having latching hooks (26) to secure the holder with the housing (1) [Fig. 3 & 4]. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the holder portion of Sawai and latching hooks of Klein in housing of Dipl-Ing FH to secure the battery holder and make it removable and cost effective.

Regarding claim 22, Sawai discloses that the housing also comprises a closure arranged to be fastened in a closed position by means of engagement projections (2A & 50) (spring-mounted barb) [paragraph 0038]

Regarding claims 23 and 24, Dipl-Ing FH discloses a cylindrical battery (28) with spring-mounted (32) design. Positive terminal of the battery is connected with contact plate (40) and the negative terminal with the spring (32). The battery also have at least

two lines (34, 35) to which the battery voltage is applied, the battery being arranged in the battery receptacle [Fig. 4].

Regarding claim 25, Klein discloses the latching hook (26) with nose (27) (barb).

Regarding claim 26, Klein disclose a housing (1) with a holder (14) having latching hooks (26) to secure the holder with the housing (1) [Fig. 3 & 4].

Regarding claim 37, Dipl-Ing FH discloses a cylindrical battery (28) and the battery holder is designed to be preassembled with a battery [Fig 4].

6. Claims 27-36 and 38-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dipl-Ing FH (EP 0 774 736) in view of Sawai (EP 1 006 767 A2) and Klein (US 6,671,384) and further in view of Zander (US 5,675,835).

Regarding claim 27, Dipl-Ing FH, Sawai and Klein fail to disclose V-shaped snap-in hooks as a fastening means. However, Zander discloses a camera and film loading device where V-shaped snap flanges (746, 748) (snap-in hooks) are provided to secure film cartridge [column 20, lines 5-20]. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate V-shaped snap flanges as disclosed by Zander and the teaching of Sawai and Klein in the housing of Dipl-Ing FH to secure the battery holder and make it removable and cost effective.

Regarding claims 28-29 Zander teaches that electronic parts and its housing are both made of either metal or plastic [column 6, lines 5-7; column 8, lines 12-16].

Regarding claim 30, Dipl-Ing FH teaches a battery insertion opening and cover (15) through which a battery can be introduced into the battery housing. [Fig. 1].

Regarding claims 31, Dipl-Ing FH teaches that the battery opening is closable by means of cover (15) (closure) [Fig. 1].

Regarding claim 32, Dipl-Ing FH discloses a cylindrical battery (28) [Fig 4].

Regarding claims 33-35, Dipl-Ing FH discloses an electronic tachograph with a cylindrical battery (28) situated on an end side of the battery housing and in a fitted state of the battery holder on the housing, the opening of the battery housing points outward from the housing and the closure of the opening is accessible from outside the housing and is arranged to be opened from the outside [Fig. 1]

Regarding claims 36, 38 and 39, Dipl-Ing FH discloses that the closure of the opening is arranged to be fastened releasable in a closed position by means of a cover (15) with (fastener), and a lead sealer (16) (formation) is fixed on the closure and, in a closed position, is arranged in a recess of the battery holder and is secured in this position by means of a seal (17). [Fig. 1, 3 & 4].

7. Claims 40-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dipl-Ing FH (EP 0 774 736) in view of Sawai (EP 1 006 767 A2), Klein (US 6,671,384) and Zander (US 5,675,835) and further in view of Rieger et al (US 5,897,225).

Regarding claims 40 and 41, Dipl-Ing FH, Sawai, Klein and Zander disclose that the battery receptacle is connected with the basic body but fails to teach that the closure is connected to the basic body by means of a film hinge. However, Rieger et al teach a camera battery closure connected with the body by a film hinge (14b) [Fig. 3; column 3,

lines 17-27]. Therefore, it would have been obvious to combine the closure with film hinge in the housing of Dipl-Ing FH, Sawai, Klein and Zander in order to have easy maintenance.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MUHAMMAD SIDDIQUEE whose telephone number is (571)270-3719. The examiner can normally be reached on Monday-Thursday, 7:30 am to 4:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mikhail Kornakov can be reached on 571-272-1303. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free)? If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MSS

/Michael Kornakov/



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Supervisory Patent Examiner, Art Unit 4151